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JC971 U.S. PTO  
10/27/01

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Carol M. Gruppi

JC971 U.S. PTO  
09/27/01

09/27/01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Lori Jo Lehman et al.

Examiner: Not Yet Assigned

Serial No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Filing Date: September 27, 2001

For: NOVEL STRAIN OF STREPTOMYCES  
FOR CONTROLLING PLANT  
DISEASES

**UTILITY PATENT APPLICATION & FEE TRANSMITTAL**  
*(for nonprovisional applications under 37 CFR § 1.53(b))*

Commissioner for Patents  
**BOX PATENT APPLICATION**  
 Washington, D.C. 20231

Sir:

Transmitted herewith for filing in connection with the above-identified patent application are the following:

**I. Elements of the Application**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Application                                   | [1 ] page(s) of Cover Sheet   |
|   | [22] page(s) of Specification   |
|   | [4] page(s) of Claims (39 claims)   |
|   | [1] page(s) of Abstract   |
|   | [9] sheets of Drawings [ ] Formal <input checked="" type="checkbox"/> Informal  |
| <input checked="" type="checkbox"/> Declaration and Power of Attorney             | [3] page(s)   |
|   | <input checked="" type="checkbox"/> Unexecuted <input type="checkbox"/> Executed <input type="checkbox"/> Copy from prior application (37CFR § 1.63(d)) |
| <input type="checkbox"/> Deletion of Inventors:                                   | [ ] page(s) of signed statement deleting inventor(s) (37CFR§ 1.63(d) & 1.33(b))   |
| <input type="checkbox"/> Request and Certification Under 35U.S.C. 122(b)(2)(B)(i) |   |
| <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission:        |   |
|   | [ ] page(s) of Sequence Listing (paper copy)  |
|   | [ ] disk(s) containing Sequence Listing (computer readable copy)  |
|   | [ ] page(s) of Statement Under 37 CFR 1.821(f)  |
| <input type="checkbox"/> Microfiche Computer Program Appendix                     | _____   |

**II. Claim for U.S. Priority**

- This application is a  Continuation  Divisional  Continuation-in-Part of Prior Application No. 09/671,943 filed September 27, 2000. (35 USC §120)
- This application claims the benefit under 35 U.S.C. §119(e) of United States Application Serial No. 60/\_\_\_\_\_ filed \_\_\_\_\_. (Provisional Application)
- The entire disclosure of the prior application referenced above, is considered as being part of the application filed herewith and is herein incorporated by reference in its entirety.

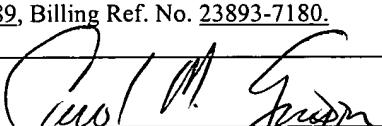
**III. Claim for Foreign Priority**

- This application claims the benefit under 35 USC §119 of Prior Application No. \_\_\_\_\_ filed \_\_\_\_\_.
- Certified Copy of Priority Document [ ] page(s)
- English Translation of Priority Document [ ] page(s)

**IV. Accompanying Documents**

- Assignment Papers [ ] page(s) of Recordation Cover Sheet [ ] page(s) of Assignment
- Applicant(s) claims Small Entity Under 37 CFR § 1.27 [ ] Verified Small Entity Statement was previously filed in Prior Application No. \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_.
- Information Disclosure Statement [ ] page(s) of PTO-1449 [ ] copies of IDS References
- A Preliminary Amendment [ ] page(s)
- A copy of a Petition for Extension of Time ( mos.) filed simultaneously in Prior Application No. \_\_\_\_\_
- A copy of a Submission of Processing & Retention Fee (37 CFR § 1.78(a)(1) which is being filed simultaneously in Prior Application No. \_\_\_\_\_
- Other \_\_\_\_\_ (specify)
- Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)

## V. Fee Calculation

The following fees are submitted:					CALCULATIONS
		OTHER THAN SMALL ENTITY	SMALL ENTITY	\$	
<b>BASIC NATIONAL FILING FEE</b>		\$ 710.00	\$ 355.00	\$ 710.00	
<b>EXTRA CLAIMS FEE</b>					
CLAIMS	# FILED	# EXTRA	RATE	RATE	
Total Claims	39 - 20 =	19	× \$18.00	× \$ 9.00	
Independent claims	2 - 3 =	0	× \$80.00	× \$40.00	
<b>MULTIPLE DEPENDENT CLAIM(S)</b>					
			\$270.00	\$135.00	
Fee for recordation of the enclosed assignment (37 CFR 1.21(h), 3.28, 3.31). _____ (Numbers of Applications) × \$40.00					\$
<b>OTHER FEES</b> _____ (specify)					\$
<b>OTHER FEES</b> _____ (specify)					\$
<b>TOTAL FEES =</b>					<b>\$1,052.00</b>
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge Deposit Account No.: <u>50-1189</u> , Billing Ref. No. <u>23893-7180</u> , in the amount of <u>\$1,052.00</u> to cover the above fees. <i>A duplicate copy of this sheet is enclosed.</i>					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1189</u> , Billing Ref. No. <u>23893-7180</u> . <i>A duplicate copy of this sheet is enclosed</i>					
SEND ALL CORRESPONDENCE TO:		 <u>Carol M. Gruppi</u> NAME Antoinette F. Konski			September 27, 2001
Antoinette F. Konski McCutchen, Doyle, Brown & Enersen, LLP Three Embarcadero Center, 18th Floor San Francisco, CA 94111 Telephone: (650) 849-4950 Fascimile: (415) 849-4800					37,341
					REGISTRATION NUMBER 34,202